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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,231	03/16/2001	Philip R. Thrift	TI-20205.1	3125

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EXAMINER

CHAWAN, VIJAY B

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 09/25/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,231

Applicant(s)

THRIFT ET AL.

Examiner

Vijay B. Chawan

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 22-23, 29, 30-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22, Applicants' claimed,

- means for processing the verbal directions of a user based on said grammar.

In claim 23, Applicants' claimed,

- means for returning a result of said verbal directions to said user.

Claim 29, depends upon claim 22, and is rejected based on claimed 22.

In claim 30, Applicants' claimed,

- means for extracting grammar from a hypermedia source on said information resource for future reference to said source.

In claim 31, Applicants' claimed,

- means for automatically producing an intelligent grammar form said information resource.

In claim 32, Applicants' claimed,

- means for processing said grammar to produce a reference to said hypermedia source.

In claim 33, Applicants' claimed,

- means for tokenizing a title for addition into said grammar.

In claim 34, Applicants' claimed,

- means for dynamically adding said grammar to a speech recognizer.

The specification shows a Smart page and defines Smart page as containing a reference to a grammar (pages 7-8). However, the specification, in pages 1-12, fails to show any corresponding structure of a means for extracting, modifying, producing, tokenizing, dynamically adding, and processing grammar to produce a reference to a hypermedia source. The specification does not disclose adequate structure for performing the recited function, thereby failing to particularly point out and distinctly claim the invention as required by the second paragraph of section 112. Because no structure disclosed in the embodiments of the invention actually performs the claimed function, the specification lacks the corresponding structure as required by 35 U.S.C. 112, 6th paragraph, and fails to comply with 35 U.S.C. 112, 2nd paragraph.

"If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." In re Donaldson Co., 16 F.3d 1189, 1195, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) (in banc).

If there is no disclosure of structure, material or acts for performing the recited function, the claim fails to satisfy the requirements of 35 U.S.C. 112, second paragraph. Budde v. Harley-Davidson, Inc., 250 F.3d 1369, 1376, 58 USPQ2d 1801, 1806 (Fed. Cir. 2001); Cardiac Pacemakers, Inc. v. St. Jude Med., Inc., 296 F.3d 1106, 1115-18, 63 USPQ2d 1725, 1731-34 (Fed. Cir. 2002). MPEP 2100-217.

The written description is objected to in light of 35 U.S.C. 112 1st paragraph for failing to show any corresponding structure of the claimed means for extracting, modifying, producing, and processing grammar to produce a reference to a hypermedia source.

See In re Knowlton, 481 F.2d 1357, 1366, 178 USPQ 486, 492-93 (CCPA 1973). Conversely, the invocation of 35 U.S.C. 112, sixth paragraph does not exempt an applicant from compliance with 35 U.S.C. 112, first and second paragraphs. See Donaldson, 16 F.3d at 1195, 29 USPQ2d at 1850; Knowlton, 481 F.2d at 1366, 178 USPQ at 493. See MPEP 2100-217-218.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22-23, 29, and 30-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to show any corresponding structure of the claimed means for extracting, modifying, producing, and processing grammar to produce a reference to a hypermedia source. The specification does not disclose adequate structure for performing the recited functions as required by 35 U.S.C. 1st paragraph.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20, 21, 24-28, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanopoulos et al., (5,333,237), in view of Schmandt et al., ("Augmenting a Window System with Speech input", Computer Magazine, 8/90, vol.23, Issue 8, pages 50-56), and in view of Houser et al., (5,774,859).

As per claims 20 and 35, Stefanopoulos et al., teach a hypermedia structured knowledge base system comprising:

a browsing module (Fig.3g, Col.5, lines 27-34), an information resource (Figures 3c-3f, Col.5, lines 17-35).

Stefanopoulos et al., however, do not specifically teach a speech user agent. Schmandt et al., do teach an interface that uses speech or voice to navigate in a windows environment (page 52, Fig.1, page 50, paragraph 2).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made, to use the method of using speech to navigate in a windows environment as taught by Schmandt et al., and incorporating it into the hypermedia structured knowledge based system as taught by Stefanopoulos et al., because, this would enable a user to obtain a speech interface to the Web that allows easy access to information on the Web by reducing manual intervention (i.e., the use of a keyboard), and which is user friendly. Houser et al., while not teaching a browser, provides access to the Internet or the World Wide Web using

Art Unit: 2654

speech for facilitating access to the information resources available on the World Wide Web (Col.11, lines 47-50). The combination of Stefanopoulos et al., in view of Schmandt et al., and in view of Houser, provide the user with a speech navigable interface to the World Wide Web or the Internet which is user friendly.

As per claim 21 and 25 and 26, Stefanopoulos teaches an embedded intelligence in a hypermedia source (abstract), and an instructional module for communicating allowed actions by a user to access information (Figure, 4h, Col.6, lines 55-68, Figures 5a-5g, Col.7, lines 19-23).

As per claim 24, Houser et al., teach connection to the Internet (Col.11, line 50), which has as its resource an HTML page (Col.30, lines 6-18).

As per claims 27 and 28, Schmandt et al., teach dynamic building of grammar in a speech interface (Xspeak II)

Claim 36 is a method claim similar in scope and content of apparatus claims 20 and 21 above, and is rejected under similar rationale.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (703) 305-3836. The examiner can normally be reached on Monday Through Thursday 7-4.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The

Application/Control Number: 09/811,231
Art Unit: 2654

Page 8

fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


Vijay B. Chawan
Primary Examiner
Art Unit 2654
9/23/03

vbc